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CERTIFICATE OF FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office at (571) 273-8300 and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: July 11, 2006By: **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****PATENT**

Serial No.:	10/675,254	Docket No.:	49288.0800
Inventor(s):	Kikaru MATSUDA, et al.	Confirmation No.:	2567
Assignee:	CARDIO, INC. and ASAHI INTECC CO., LTD.	Filing Date:	September 30, 2003
TITLE:	SYSTEM AND METHOD FOR INJECTING LIQUID DRUG CONTAINING BIOLOGICAL MATERIAL	Examiner:	David L. Vanik
		Art Unit:	1615

TERMINAL DISCLAIMER TO OBLVATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A CO-PENDING APPLICATION

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

The co-owners, Cardio, Inc. and Asahi Intecc Co. Ltd., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on the pending reference Application Number 10/954,639, which was filed on September 30, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The

Serial No. 10/954,639
Attorney Docket No. 49288.0800

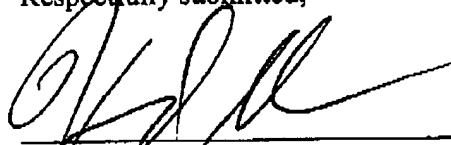
co-owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the co-owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record, Reg. No. 39,038.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

Respectfully submitted,



Howard Sobelman
Reg. No. 39,038

Date: July 11, 2006

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